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WILLS—TESTAMENTARY CAPACITY—WILL OF SOLDIER UNDER AGE.—The testator, while an infant but an officer in the British army on active service, made his will. He was killed in action, while still an infant, and his will was admitted to probate as a soldier's will under section 11 of the Wills Act of 1837. Section 7 of the Act declares that no will made by any person under 21 years of age shall be valid; sections 9 and 10 deal with the formalities of executing wills; and section 11 reads: "Provided always, and be it further enacted, That any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act." Questions arose as to the validity of a power of appointment attempted to be exercised by the testator's will. *Held*, that so long as the probate stood the testamentary power of appointment was validly exercised, with a *dictum* that the Wills Act makes an infant, even though a soldier, incapable of making a will. *Re Wernher* (1918, Ch. D.) 117 L. T. Rep. N. S. 801.

See COMMENTS, p. 806.